

# **Exhibit AG**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

ZEIKOS INC.,	)	
	)	
Plaintiff,	)	Case No. 1:23-cv-00303
	)	
v.	)	Chief Judge Virginia M. Kendall
	)	
WALGREEN CO.,	)	Magistrate Judge Kari R. Holleb Hotaling
	)	
Defendant.	)	

**THIRD SUPPLEMENTAL VOLUNTARY  
DISCLOSURES OF PLAINTIFF**

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, plaintiff and counterclaim defendant Zeikos Inc. ("Zeikos") provides the following third supplemental voluntary disclosures.

At the present time, Zeikos intends to compute its damages as follows.

With respect to its first claim, Zeikos seeks its out-of-pocket damages resulting from the fraud of defendant and counterclaimant Walgreen Co. ("Walgreen"). Those out-of-pocket damages should be calculated, as of the day of the fraud, by subtracting, from the \$7,000,000 that Zeikos actually paid to Walgreen as a result of the Product Placement Agreement, the value that Zeikos received as a result of paying that amount to Walgreen, which Zeikos contends is nothing. Zeikos also seeks punitive damages in an amount to be determined by the jury in this action. Zeikos also seeks its taxable costs and prejudgment interest.

With respect to the second claim, Zeikos will seek a refund, pursuant to the last sentence of paragraph 4 of the Amended and Restated Product Placement Agreement, of all or a portion of the \$7,000,000 product placement fee that Zeikos paid to Walgreen. This refund should be calculated by multiplying the product placement fee, \$7,000,000, by the fraction created by

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dividing the number of the 5,000 participating stores that were not in compliance with paragraph 1 of the Amended and Restated Product Placement Agreement by 5,000. Zeikos also seeks its taxable costs and prejudgment interest.

With respect to its third and fourth claims, Zeikos will voluntarily withdraw, as part of the final pretrial order, that portion of those claims that remain in this action after the Court's November 30, 2023, order.

Dated: September 24, 2024

Respectfully submitted,

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